

# PHILIPPINES 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Philippines is a multi-party, constitutional republic with a bicameral legislature. President Benigno S. Aquino III, elected in 2010, began the fifth year of his constitutionally limited six-year term. The 2013 mid-term national elections were generally free and fair, but independent observers noted vote buying was widespread. Dynastic political families continued to monopolize elective offices at the national and local level. Authorities failed at times to maintain effective control over the security forces.

The most significant human rights problems continued to be extrajudicial killings and enforced disappearances undertaken by security forces and suspected vigilante groups; a weak and overburdened criminal justice system notable for poor cooperation between police and investigators, a meager record of prosecutions and lengthy procedural delays; and widespread official corruption and abuse of power.

Other human rights problems included the following: allegations of prisoner/detainee torture and abuse by security forces; harassment, including allegations of violence against human rights activists by local security forces; warrantless arrests; lengthy pretrial detentions; overcrowded and inadequate prison conditions; killings and harassment of journalists; internally displaced persons (IDPs); violence against women; abuse and sexual exploitation of children; trafficking in persons; limited access to facilities for persons with disabilities; lack of full integration of indigenous people; absence of law and policy to protect persons from discrimination based on sexual orientation and gender identity; child labor; and ineffective enforcement of worker rights.

The government continued to investigate and prosecute only a limited number of reported human rights abuses, and concerns about impunity persisted.

Long-running Muslim separatist and communist insurgencies continued to result in the displacement of civilians and the killing of soldiers and police in armed clashes. Terrorist organizations such as the Abu Sayyaf Group (ASG), Jemaah Islamiya (JI), and the New People's Army (NPA), as well as elements associated with the separatist Moro Islamic Liberation Front (MILF), including the breakaway Bangsamoro Islamic Freedom Fighters (BIFF), continued to kill security forces, local government officials, and other civilians. The Moro National Islamic Liberation Front (MNLF) also conducted military operations against government

security forces and civilians. These organizations reportedly continued to engage in kidnappings for ransom, bombings that caused civilian casualties, the use of child soldiers in combat or auxiliary roles, and operated unauthorized courts. On March 27, the government and the MILF signed a comprehensive peace pact, which among other things would establish an autonomous political entity known as Bangsamoro and included provisions on the demobilization of the MILF forces. Although the MILF is the largest active separatist group, other groups, including the MNLF and BIFF, stated they do not consider themselves bound by the agreement.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that security forces committed arbitrary or unlawful killings, some in connection with combat operations between government forces and Muslim rebels in parts of Mindanao region (see section 1.g.). Killings of activists, judicial officials, local government leaders, and journalists by antigovernment insurgents continued to be a serious problem.

The Commission on Human Rights (CHR), an independent government agency, continued to investigate alleged human rights violations. The CHR investigated 45 new complaints of politically motivated killings involving 61 alleged victims as of September. The CHR suspected personnel from the Philippine National Police (PNP) were involved in 10 of the complaints, the Armed Forces of the Philippines (AFP) in six, members of the terrorist NPA in three, civilians in five, and unidentified persons in the remainder.

The PNP's Task Force Usig (TFU), responsible for investigating and monitoring killings of media members, labor activists, and foreigners, received reports of 16 new cases from January to August (using different criteria than the CHR's): The TFU filed or referred eight cases to the prosecutor's office, seven cases remained under investigation, and one case was settled amicably. The TFU determined that four of the cases fell under its specific mandate. Of the 175 cases monitored by the TFU since 2001, 104 remained on file in court and prosecutor offices, 62 were cold cases, authorities closed two cases due to the death of suspects in armed encounters, and seven remained under investigation. Of those cases prosecuted, there were seven convictions. On January 16, the Regional Trial Court in Cebu convicted Amador Raz for the 2001 killing of broadcaster Rolando Ureta.

Reports by nongovernmental organizations (NGOs) on the number of alleged extrajudicial killings and torture cases during the year varied. According to the Institute of War and Peace Reporting, an international NGO, both government and NGO reporting entities used different definitions of extrajudicial killings, thus creating a wide disparity in reported incidents. As of June the NGO Karapatan (Alliance for the Advancement of People's Rights) recorded 35 new victims of extrajudicial killings by government forces. The nongovernmental Task Force Detainees of the Philippines (TFDP) also reviewed allegations of summary executions by government security forces. It documented five cases of extrajudicial killings involving four victims as of September. It referred these cases to the CHR.

In one example, on March 25, unidentified armed men, suspected to be military personnel from the 86th Infantry Battalion, 5th Infantry Division, shot and killed William Bugatti, an employee of the Ifugao Research Development Center and member of a human rights group Cordillera Human Rights Alliance in Kiangan, Ifugao Province. The provincial police created a task force to investigate the case.

#### **b. Disappearance**

Credible local human rights NGOs claimed government forces and antigovernment insurgents continued to be responsible for disappearances. From January to September the CHR investigated four cases of forced disappearance and abduction involving five victims. The victims remained missing as of October.

On August 12, a composite team of the National Bureau of Investigation (NBI) and the Armed Forces Naval Intelligence Group arrested retired major general Jovito Palparan, Jr., one of the accused in the 2006 kidnapping and illegal detention case filed by families of University of the Philippines students Karen Empeno and Sherlyn Cadapan. Authorities arraigned Palparan on August 18, and detained him at the Bulacan Provincial Jail, then transferred him to the AFP Custodial Center in Fort Bonifacio in September. Palparan is the highest-ranking former military official to be arrested and tried for involvement in a disappearance case, and had been in hiding since 2011.

According to the law, family members of alleged victims of disappearances may compel government agencies to provide statements in court about what they know of the circumstances surrounding a disappearance or extrajudicial killing and the victim's status. Some victims' families asserted that courts and police continued to fail to address their complaints adequately. Evidence of a kidnapping or killing

requires filing of charges, and in many cases, evidence and documentation were unavailable or not collected. Investigative and judicial action on disappearance cases continued to be insufficient, with a minority of reported cases prosecuted.

The number of enforced disappearance cases monitored or investigated by authorities varied because different agencies employed varying criteria for defining and subsequently deciding to monitor disappearance cases. The Interagency Council on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations, for example, prioritized and monitored 24 cases of enforced disappearance involving 52 victims.

As of August the government had not responded to the 2012 report by the UN Working Group on Enforced or Involuntary Disappearances, which reiterated its request for a country visit and reported 621 unresolved disappearance cases.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits torture, and evidence obtained through its use is inadmissible in court. Members of the security forces and police, however, allegedly routinely abused and sometimes tortured suspects and detainees. Common forms of abuse during arrest and interrogation included electric shock, cigarette burns, and suffocation.

As of September the CHR investigated 44 cases of alleged torture involving 49 victims, with police suspected in 35 cases, the AFP in two, jail guards in three, the Philippine Drug Enforcement Agency in two, other government officials in four, and unidentified individuals in two. As of September the TFDP documented 17 cases of alleged torture involving 21 victims and claimed security forces were responsible in at least 10 of the cases.

In January the CHR investigated a case involving torture of detainees in a detention cell in Laguna Province. The PNP filed administrative charges while the CHR filed a criminal case for violation of the antitorture law, robbery, extortion, and illegal detention against 10 police officers. On August 24, the PNP demoted the former chief of the police intelligence unit, dismissed five officers from service, and suspended four others in connection with the case. As of August the criminal case remained pending with the Department of Justice (DOJ).

### **Prison and Detention Center Conditions**

Prison conditions were often harsh and, in some cases, included food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Reports continued that prison guards physically abused inmates. The CHR and the TFDP reported that abuses by prison guards and other inmates were common, but stated that prisoners, fearing retaliation, refused to lodge formal complaints. Human rights activists believed prison guards also targeted suspected ASG and NPA members for abuse.

Physical Conditions: The Bureau of Corrections (BuCor), under the DOJ, administered seven prisons and penal farms for individuals sentenced to prison terms exceeding three years. As of September BuCor facilities held 40,531 prisoners, including 2,630 women, more than double the official capacity of 16,118.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government (DILG) and the PNP, controlled 968 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The DILG reported that BJMP jails operated at an average of 293 percent above designated capacity, and the Manila City Jail, with an official capacity of slightly more than 1,000 inmates, held 3,200 individuals as of July.

As of July BJMP and PNP jails held 79,545 prisoners, of whom 96 percent were pretrial detainees and 4 percent were convicts of various crimes. Of the total number of prisoners and detainees, 7,652 were adult women and 18 were juveniles. During the same period, the BJMP released 400 juveniles, typically in response to a court order following a petition by the Public Attorney's Office (PAO), the inmate's private lawyer, or through NGO-led appeals.

Prison authorities did not uniformly enforce BJMP regulations (also applicable to BuCor facilities) that require holding male and female inmates in separate facilities and, in national prisons, overseeing them with guards of the same sex. In some facilities, authorities did not fully segregate juveniles from adults. The BJMP and BuCor reported insufficient custodial and escort personnel, especially in large jails. As of September BuCor's custodial personnel-to-inmate ratio was one to 66 and BJMP's ratio was one to 36.

Reports continued to indicate poor sanitation, ventilation, and a lack of potable water were chronic problems in correctional facilities and contributed to health problems. The BJMP noted that some local government units provided processed water to jails, but the majority of jails used polluted water from taps or pumps. Lack of adequate food and potable water for incarcerated juveniles was a particular concern. From January to September BuCor and the BJMP reported 743 inmate deaths. Most deaths were the result of illnesses, including cardiopulmonary arrest and pulmonary tuberculosis.

Several NGOs observed that overcrowding was more severe in smaller cities, a condition that reportedly triggered violence among inmates and promoted gang rivalries. Opportunities for prisoner recreation, learning, and self-improvement remained scarce.

Administration: BuCor continued to automate inmate prison records and sought to expedite the release of qualified inmates. During the year BuCor continued to use Oplan Carpeta database software to audit and gather inmate data and computerize its records fully. Classification of inmates qualified for assignment to one of five penal colonies continued during the year.

Prison authorities did not use alternative sentencing for nonviolent offenders.

Authorities generally allowed prisoners and detainees to receive visitors, but local NGOs reported that authorities periodically restricted family visitation for some political detainees. Prison officials noted that security concerns and space limitations at times restricted prisoner access to visitors. Muslim officials reported that while Muslim detainees were allowed to observe their religion, Roman Catholic Mass was often broadcast by loudspeaker to prison populations made up of both Catholic and non-Catholic prisoners and detainees.

Prisoners and detainees may submit complaints to constitutionally established independent government agencies. For example, the CHR referred complaints it received to the applicable agency. Families and lawyers of inmates often submitted formal complaints to the CHR and the DOJ charging that prison authorities censored communications. As of July the CHR investigated and reported on three cases of inhumane treatment of detainees by BJMP officials and PNP officers. It submitted its recommendations to the proper authorities for action. Follow-up reports were confidential and released only to concerned parties. During the year authorities did not grant CHR investigators prompt access to detention centers in Cebu and Batangas provinces.

Independent Monitoring: Authorities permitted international monitoring groups, including the International Committee of the Red Cross (ICRC), free and timely access to jails and prisons. Consular officers from the diplomatic community had ready access to prisoners to allow for monitoring of the well-being of their citizens.

Improvements: The BJMP continued to monitor and help expedite court cases and secure needed documents from the courts for speedy disposition of inmates' cases. Through this program, authorities released 30,792 inmates from BJMP jails as of July. From January to June the Supreme Court's "Justice on Wheels," an enhanced mobile courts program, facilitated the release of 139 inmates, mediated 58 cases in seven provinces and municipalities, and provided necessary medical and dental assistance to 483 prisoners.

During the year the BJMP completed construction of one jail building, and reported ongoing construction of an additional jail building in Cauayan, Isabela Province and two dormitories for female inmates in Eastern and Central Visayas Region.

#### **d. Arbitrary Arrest or Detention**

The law requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention. In several instances, however, police and the AFP continued to arrest and detain citizens arbitrarily. The TFDP documented 36 cases of illegal arrest and detention involving 83 victims as of September. From January to August, the CHR tracked 102 cases of arbitrary arrest or illegal detention involving 126 victims.

#### **Role of the Police and Security Apparatus**

The PNP reports to the DILG and maintains internal peace and security in most of the country. The AFP, which reports to the Department of National Defense, directs security functions in regions with a high incidence of conflict, particularly in areas of Mindanao. The two agencies shared responsibility for counterterrorism and counterinsurgency operations. The PNP continued to increase its capabilities to assume greater responsibility for internal security in conflict-affected areas in alignment with the AFP's 2010 Internal Peace and Security Plan and the 2012 framework peace agreement.

The PNP is responsible for law enforcement and urban counterterrorism operations. Governors, mayors, and other local officials have considerable influence over local police units, including approval of top departmental and municipal police officers and the provision of resources, an arrangement that often resulted in abuse and corruption.

The 147,190-member PNP has deep-rooted institutional deficiencies and continued to endure a widely held public perception that corruption was endemic within the force. The PNP's Internal Affairs Service, with a mandate to instill police discipline, remained largely ineffective. Civilians and NGOs accused police personnel of torture, soliciting bribes, and other illegal acts. Efforts continued to reform and professionalize the institution through improved training, expanded community outreach, and salary increases.

The government lacked sufficient mechanisms to investigate and punish abuse and corruption in the PNP and the AFP, which allowed impunity to persist within the security forces. From January to October the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, received 266 cases involving military and law enforcement officers accused of committing human rights abuses. The cases included killings, injuries, unlawful arrest, and torture against mostly low-ranking police and military officials. As of October, 265 cases remained pending and under investigation while officials dismissed one case due to insufficient evidence. There were no convictions recorded against high-ranking police or military officials.

The PNP reported 72 administrative cases filed against 72 police personnel for human rights violations as of July. Criminal proceedings also began against 196 police personnel accused in 272 cases. Officials dismissed at least eight police personnel for various administrative and criminal offenses as of August.

The AFP Human Rights Office continued to monitor and review alleged human rights abuses involving members of the military. From January through October, the Human Rights Office identified and investigated nine reported incidents of human rights violations involving AFP personnel. The breakdown by type was as follows: murder (four), harassment/threats (three), and other human rights violations (two). At year's end recommendation and resolution of all cases remained pending.

Police and the military routinely continued to provide human rights training to their members, augmented by training from the CHR. The AFP operated from its

revised Graduated Curricula on Human Rights/International Humanitarian Law for the Military to provide a uniform standard of training across service branches. The AFP also continued to adhere to the 2005 Presidential Memorandum Order Number 259, which requires incorporation of human rights and international humanitarian law into all AFP education and training courses undertaken by all officers and enlisted personnel. Moreover, successful completion of these courses is required for recruitment, entry, promotion, reassignment, and foreign schooling opportunities.

The Commission on Appointments determines whether senior military officers selected for promotion have a history of human rights violations and solicits input from the CHR and other agencies through background investigations. The commission may withhold a promotion indefinitely if it uncovers a record of abuses. Negative findings, however, do not preclude promotion.

The PNP maintained a network of 2,108 human rights desk officers at the national, regional, provincial, and municipal levels. The CHR continued to note that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank-and-file awareness of detainee rights remained inadequate. Cooperation and coordination between police and prosecutors remained limited. Human rights groups and the CHR continued to note little progress in implementing and enforcing reforms aimed at improving the effectiveness of investigations and prosecutions of suspected human rights violations. Potential witnesses often were unable to obtain protection through the witness protection program managed by the DOJ due to inadequate funding or procedural delays. In November gunmen ambushed two potential witnesses in the Maguindanao massacre trial resulting in the death of Denix Sakal, who had signified his willingness to testify against the Ampatuan clan members accused of murder. Moreover, the CHR received only 500,000 pesos (\$11,400) for its separate witness protection program during the year. In some witness protection cases, left-behind families experienced the burden of lost income due to the relocation of witness family members.

Government-armed civilian militias supplemented the AFP and PNP; the AFP held operational control of Civilian Armed Force Geographical Units (CAFGUs), while the Civilian Volunteer Organizations (CVOs) fell under PNP command. These paramilitary units often received minimal training and were poorly monitored and regulated. Some political families and clan leaders, particularly in Mindanao, maintained private armies and at times recruited CVO and CAFGU members into those armies. Human rights NGOs continued to link state-backed militias and private armies with numerous human rights abuses, including the 2009 massacre of

58 civilians in Maguindanao Province. The prosecution of that case has not progressed due to a dysfunctional justice system and the complexities of simultaneously trying over 100 defendants. Such delays continued to reinforce the perception of impunity for national, provincial, and local government actors accused of human rights abuses.

### **Arrest Procedures and Treatment of Detainees**

Except in terrorism related cases, warrants issued by a duly authorized official based on sufficient evidence are required to apprehend an individual. There were reports of arbitrary arrests, especially in conflict-affected areas. The law permits warrantless arrests and detention without charges for up to three days for allegedly committing or attempting to commit terrorist acts. Government agents, however, did not make any warrantless arrests of terrorism-related suspects as of August.

Detainees have the right to judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail. The bail system functioned. The law provides an accused or detained person the right to choose a lawyer and, if indigent, to have the state provide one. Due to an under-resourced PAO, however, indigent persons had limited access to public defenders. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, with increased time to file charges based on the seriousness of the crime.

Arbitrary Arrest: Security forces continued arbitrarily to detain individuals, including juveniles, without warrants.

Pretrial Detention: Lengthy pretrial detention remained a problem, due largely to the dysfunctional justice system, although jail decongestion programs continued to relieve some of the problem. Large jails employed paralegals to monitor inmates' cases, prevent detention beyond the maximum sentence, and assist decongestion efforts.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence. Corruption through nepotism, personal connections, and sometimes bribery continued to result in impunity for wealthy or influential offenders. Overall, insufficient personnel, inefficient processes, and long procedural delays continued to hinder the judicial system. These factors

continued to contribute to widespread skepticism that the criminal justice system could deliver due process and equal justice.

Trials took place in short, spread-out sessions as witnesses and court time became available, which continued to create lengthy delays. Furthermore, there was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were high: of 2,214 trial-court judgeships, 557 were vacant as of October. Courts in Mindanao and poorer provinces had higher vacancy rates than the national average. Sharia (Islamic law) court positions continued to be particularly difficult to fill because of the requirement that applicants be members of both the Sharia Bar and the Integrated Bar. All five sharia district court judgeships and 43 percent of circuit court judgeships remained vacant. Sharia courts do not have criminal jurisdiction.

The Supreme Court continued efforts to ensure speedier trials, reduce judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. It continued to implement guidelines to accelerate the resolution of cases in which the maximum penalty, if there is a conviction, would not exceed six years in prison.

### **Trial Procedures**

The law requires all persons accused of crimes be informed of the charges against them, have the right to counsel, have adequate time to prepare defense, and be provided a speedy and public trial before a judge. The law presumes defendants are innocent and have the right to confront witnesses against them, present evidence in their favor, review government evidence, appeal convictions, and not be compelled to testify or confess guilt. The government generally implemented these legal requirements, except for the right to a speedy trial.

The law provides that cases should be resolved within the following set time limits once submitted for decision: two years for the Supreme Court, one year for the courts of appeals, and three months for lower courts. The government did not respect these time constraints, and in effect, trials had no time limits. Government officials estimated it took an average of five to 10 years to obtain a conviction and that the national conviction rate was 20 percent. The system relied heavily on witness testimony and gave relatively little weight to circumstantial and forensic evidence.

There is no jury system and no right to trial by jury. Authorities respected a defendant's right to representation by a lawyer, but poverty often inhibited a defendant's access to effective legal counsel. The PAO, reporting to the DOJ, did not have the necessary resources to fulfill its constitutional mandate. The PAO used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During the latter, courts may appoint any lawyer present in the courtroom to provide on-the-spot counsel to the accused.

Sentencing decisions were not always consistent with legal guidelines, and judicial decisions sometimes were not transparent to victims, their families, or the accused. In one example, a court convicted two individuals of killing an expatriate foreign national under conditions that would normally result in 12 to 20 year prison terms. Instead, they received a probationary sentence and will serve no additional jail time despite their convictions. Further, the court granted probation without taking account of the views of the victim's family, who opposed probation, but had inadequate opportunity to submit a statement in opposition.

### **Political Prisoners and Detainees**

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. Some NGOs asserted that authorities frequently made politically motivated arrests of persons for common crimes or on fabricated charges and continued to detain them after their sentences expired. The TFDP was tracking 347 political prisoners and detainees as of August, the majority of whom were pretrial detainees. Of the total, authorities arrested 76 individuals from January to June. The BJMP and BuCor reported 864 political prisoners held in detention cells and prisons as of September. The TFDP noted that, in the majority of cases, authorities mixed political prisoners with the general inmate population, except in the National Bilibid Prison, where they held the majority of political prisoners in maximum-security.

The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs. The TFDP recorded 54 political prisoners released from prisons or detention centers as of August. None of these releases resulted from executive action.

The government permitted regular access to alleged political prisoners by international humanitarian organizations.

### **Civil Judicial Procedures and Remedies**

The judiciary is independent and impartial in civil matters. Complainants have access to local trial courts to seek civil damages for, or cessation of, human rights abuses. There are administrative as well as judicial remedies for civil complaints; however, overburdened local courts often dismissed these cases.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The government generally respected the privacy of its citizens, although leaders of communist and leftist organizations and rural-based NGOs continued to complain of alleged patterns of surveillance and harassment. Authorities used informer systems to obtain information leading to the capture of terrorist suspects. The government generally respected restrictions on search and seizure within private homes; however, searches without warrants continued to occur. Judges generally declared evidence obtained illegally to be inadmissible.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

For decades the country has contended with armed Muslim separatist movements supported by paramilitary organizations such as the MILF and the MNLF, a communist insurgency supported by a nationwide NPA presence, and violence by smaller, transnational terrorist organizations (such as the ASG and the JI), and from criminal syndicates. During the year government forces killed a number of civilians during clashes with these groups. There were continued complaints that the AFP, in confronting the ASG and NPA, illegally detained citizens, destroyed houses, and displaced residents. Clashes between the AFP and separatist forces, as well as incidents of interclan “rido” (feuds) violence, continued in Mindanao and resulted in civilian deaths and the displacement of thousands of individuals.

Killings: Government forces continued to acknowledge civilian deaths in the course of military operations against the MILF, the MNLF, the NPA, and other insurgent groups. From January to October, AFP operations killed suspected members of ASG (76), NPA (75), and BIFF (21). From January to June, the PNP reported killing four NPA during its operations.

Antigovernment groups continued to be responsible for killing AFP soldiers, police, and civilians. From January to October, the AFP reported 76 of its members killed in action during encounters with insurgents. The PNP reported that NPA militants killed two PNP personnel as of June.

Muslim separatists, including the NPA, the ASG, elements of the MILF, and the breakaway faction BIFF, continued to use roadside bombs, ambushes, and other means to kill political figures, military and police officers, and civilians, including persons suspected of being military and police informers. On July 28, suspected ASG members ambushed two passenger vans with 50 civilians on board, killing 23 persons in Lower Talipao, Sulu. Security forces reported the ambush was a retaliatory action against ten of the passengers who were members of the Barangay Peacekeeping Action Team, a paramilitary group that supported military and police in law enforcement operations against the ASG in the province. On May 12, suspected BIFF members detonated a roadside bomb near Meta Bridge in Datu Unsay, Maguindanao, that killed two soldiers and wounded three. On March 22, the NPA claimed responsibility for killing an agent of the Philippine Drug Enforcement Agency in Sorsogon City for allegedly protecting drug traffickers in the Bicol Region.

Elements of the MILF, the BIFF, and other terrorist groups, including the NPA, the ASG, and JI, also menaced government offices and attacked or threatened businesses, farms, and private communication facilities to enforce collection of extrajudicial protection payments, so called “revolutionary taxes.” For example, on June 27, 50 suspected NPA members raided and destroyed three banana plantations owned by the Dole Food Company, Inc. in Surigao del Sur Province after the company reportedly refused to pay extortion demands.

Abductions: Various armed criminal and terrorist groups, including the ASG in Mindanao and the Sulu Archipelago, continued to kidnap civilians. Authorities often ransomed or rescued victims. According to the PNP, from January to July the ASG, the NPA, and other kidnap-for-ransom groups abducted 29 persons in several areas of Mindanao, including 19 from the Autonomous Region in Muslim Mindanao (Bangsamoro). As of July captors killed one, 20 were rescued, released, or had escaped, and eight remained missing or were still in captivity.

Physical Abuse, Punishment, and Torture: Leftist and human-rights activists continued to report harassment by local security forces, including abuse of detainees by police and prison officials. Rape did not generally occur as a weapon of war, but women risked exposure to crossfire or faced the threat of sexual violence or intimidation.

Child Soldiers: In August 2013 the president signed Executive Order No. 138, amending Executive Order No. 56 (S. 2001), which aims to strengthen the government’s program to protect children against armed hostilities. E.O. 138

places the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC) under the direct supervision of the Council for the Welfare of Children (CWC), instead of the Office of the Presidential Adviser on the Peace Process. Under this directive, the council is the lead agency in the implementation of the CIAC Program Framework, which addresses the involvement of children in armed conflict. The order also formalized the establishment of a Monitoring, Reporting, and Response System for Grave Child Rights Violations in Situations in Armed Conflict to act as the monitoring arm within the CIAC program framework with the primary objective of protecting children in situations of armed conflict by preventing the occurrence of grave child rights violations. On July 25, IAC-CIAC member agencies signed the memorandum of agreement on E.O. 138 to operationalize the monitoring, reporting, and response system for victims of grave child rights violations in the context of armed conflict. In February the CWC confirmed an incident reported through the media involving three child soldiers killed in weeklong fighting between the AFP and the BIFF in Maguindanao. Local officials helped confirm the identification of the minor combatants.

The United Nations, through its local UN Children's Fund (UNICEF) agency, monitored incidents of recruitment and use of children in armed conflicts and worked to verify these incidents. Government reporting mechanisms on children associated with armed conflict continued to be inconsistent between agencies and regions, especially in conflict-affected areas, due to security concerns, which made it difficult to evaluate this problem's scope.

Child soldiering remained a problem, particularly with local terrorist and anti-government organizations. In the early part of the year, the government completed a decade of negotiations and signed a peace agreement with the MILF allowing for the release of children from MILF ranks. In July the MILF reconstituted a new five-member panel to monitor full implementation of the UN-MILF Action Plan to monitor grave child rights violations.

The May 15 report by the UN secretary-general to the UN Security Council noted that armed groups, including the MILF, NPA, MNLF, ASG, and BIFF, continued to use children in armed conflict. The latter two increasingly engaged in fighting in 2013 in opposition to the peace process between the government and the MILF. For example, the MILF used at least seven boys between 14 and 17 years of age as combatants and porters in their attack on Zamboanga City in September 2013, resulting in the deaths of two boys. The MILF reportedly used at least 150 civilians, including 13 girls and 19 boys, as human shields during the operation.

The NPA continued to claim that it did not recruit children as combatants, but admitted that it recruited, trained, and used them for noncombat purposes. In two separate incidents in May, the AFP reported that it rescued child combatants from the NPA ages 14 and 17 years old in Sitio Tuburan, Barangay Ned, Lake Sebu, South Cotabato. The AFP handed over the 14-year-old minor to the Department of Social Welfare and Development (DSWD) and returned the 17-year-old to his family.

According to the country task force report, the United Nations remained concerned over the use of children by government security forces as guides and informants during operations against insurgents. The task force reported a verified case of a 12-year-old boy used as an informant by the police during the September 2013 attack in Zamboanga City.

Although the UN secretary-general's special representative for children and armed conflict and the National Democratic Front, the political arm of the country's Communist Party, in 2011 agreed to develop an action plan, they had not finalized a framework as of August.

Also see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/j/tip/rls/tiprpt>.

Other Conflict-related Abuses: According to media reports, the NPA and separatist groups set fire to villages and used residents as human shields. For example, on May 3, a group of armed members of NPA took 39 residents of Mahayayhay, Maragusan, Compostela Valley Province as human shields as they fled from military troops. They later released all hostages. The NPA and some separatist groups were responsible for a number of arbitrary detentions, including kidnappings and hostage taking for ransom.

The AFP sometimes used civilian facilities, such as schools, to house soldiers overnight during military operations in remote areas. The AFP continued to implement the guidelines it developed for sheltering in schools.

The NPA, the ASG, and JI targeted mining and other extractive industries for extortion and authorities suspected them of trafficking illegally obtained products, including timber.

The NPA continued to subject military personnel, police, local politicians, and other persons to its "revolutionary people's courts" for "crimes against the people,"

often in absentia, and to justify some of its killings as executions of “defendants” who it found guilty. The MILF also maintained its own “people’s courts.”

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech: Individuals are free to criticize the government publicly or privately or discuss matters of general public interest without reprisal; however, members of the media and other human rights NGOs believed that certain laws and regulations sometimes abridged freedom of speech and expression.

Press Freedoms: The independent media remained active and expressed a wide variety of views without restriction, including criticizing the government. Media commentators criticized most media outlets for lacking rigorous journalistic standards and for reflecting the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Observers suspected special interests of using bribes and other inducements to solicit one-sided and erroneous reports and commentaries that supported their positions.

Violence and Harassment: Journalists continued to face harassment and threats of violence from individuals, including politicians and other government authorities, critical of their reporting. Human rights NGOs frequently criticized the government for failing to protect journalists. The National Union of Journalists continued to accuse police and local elected officials of subjecting journalists to harassment and surveillance, as well as failing to investigate killings of journalists.

The nongovernmental Center for Media Freedom and Responsibility reported four journalists killed from January to October and contended that the killings occurred while the victims were carrying out journalistic tasks. The PNP’s TFU, which investigates and tracks killings of media practitioners, classified two of these cases as work-related killings.

Libel Laws/National Security: The law contains criminal sanctions for libel. Authorities used criminal defamation charges, with the possibility of imprisonment and fines, to harass and intimidate journalists. For example, on July 2, a councilor

in Cagayan de Oro City filed a libel complaint against a fellow city councilor, and included the editor-in-chief and the reporters of the newspaper that published the allegedly libelous remarks in connection with the city's budget allocation. Authorities often used libel laws in retaliation.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without appropriate legal authority. The internet was widely available and used. According to the International Telecommunication Union, 37 percent of the population used the internet in 2013.

On February 18, the Supreme Court ruled that the online provisions of the Cybercrime Prevention Act of 2012 were constitutional with the condition that only the original author of online content, not those who receive or react to it, is subject to penalty. It also struck down other provisions including one that authorizes the DOJ to restrict or block access to data that might be *prima facie* to violate the cybercrime law.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events, although student groups at some universities continued to accuse security forces of harassing student political groups.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedom of assembly and association, and the government generally respected these rights.

### **Freedom of Assembly**

The police generally exhibited professionalism and restraint in dealing with demonstrators. The TFDP reported, however, that on February 11, police violently dispersed approximately 30 farmer-members of the group Task Force Mapalad in front of the presidential palace. Police arrested the protesters but subsequently released all those detained.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: The government continued to limit foreign travel in several circumstances, such as when a citizen had a pending court case, and to discourage travel by vulnerable workers to areas in which they faced personal security risks, including trafficking or other exploitation. The Philippine Overseas Employment Administration (POEA) sought to regulate and control departures for work abroad and required citizens to register with government agencies and receive pre-departure screening, training, and certification before traveling for employment overseas to mitigate exploitation and trafficking of workers. The government retained its employment travel ban to Burundi, Liberia, Rwanda, Sierra Leone, Somalia, Syria, and Uzbekistan. Only workers returning to previously held jobs could travel to Afghanistan, Lebanon, Libya, and Yemen. On February 27, the government lifted the ban on the deployment of overseas Filipino workers to Iraq, but the ban remained for household service workers. The government prohibited domestic workers from working in Palau.

#### **Internally Displaced Persons (IDPs)**

The four-decade-long conflict between the government and Muslim separatist groups, sporadic interclan fighting, and natural disasters in Mindanao generated significant internal displacement as of October. Counterinsurgency campaigns against the ASG, primarily in Sulu and Basilan provinces, and clashes with the NPA, concentrated in the most geographically remote provinces, caused sporadic and small-scale displacement. The majority of the internally displaced were women and children.

Continued clashes between rogue elements of the MILF and the AFP, as well as between rival armed groups, caused the number of IDPs to fluctuate. As of July the DSWD reported a total of 6,104 families, or 30,366 persons, living inside evacuation centers in different regions in Mindanao. During the same period, the DSWD's Core Shelter Assistance Program resettled 43,035 families out of the 58,924 families affected by calamities and armed conflict to permanent shelters throughout the country. Several thousand victims of Typhoon Haiyan continued to live in transitional housing in Leyte and Visayas.

Government agencies, often with support from UN agencies and other international donors, continued to provide food assistance and other consumable items (although NGOs noted that food aid was sometimes delayed); construct shelters and public infrastructure; repair schools; build sanitation facilities; offer immunization, health, and social services; and provide cash assistance and skills training. The government permitted humanitarian organizations access to IDP sites. Security forces did not target IDPs, but they sometimes carried out military operations near IDP sites, which continued to risk casualties, cause damage, and restrict freedom of movement. Impoverished IDPs were highly susceptible to human trafficking networks, according to a Brookings Institution report. The study also noted that despite a government policy of free public education, significant numbers of children in displaced families were unable to attend school due to an inability to afford unofficial school fees and transportation expenses.

At times the government encouraged IDPs to return home, but they often were reluctant to do so due to insecurity and food scarcity. Some local government units proposed implementing "no build" zones to prevent IDPs from returning to dangerous or unsecured areas. As of October authorities had not enforced "no build" zones in Leyte or Samar. The nongovernmental Internal Displacement Monitoring Center speculated that some IDPs remained in evacuation centers because they had better access to basic facilities and livelihood opportunities than in their home areas. The UN Office for Coordination of Humanitarian Affairs reported hundreds of thousands of IDPs continued to require humanitarian assistance years after returning to their home areas.

### **Protection of Refugees**

Access to Asylum: No comprehensive legislation provides for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit (DOJ-RSPPU) determines which asylum seekers qualify as refugees in accordance with an established, accessible system that appeared to

provide basic due process. From January to August, the department received 51 new asylum applications and reopened three old cases. Of these, the department approved 13 cases while 38 remained pending. The UNHCR estimated there were 173 refugees residing in the country as of August.

Safe Country of Origin/Transit: The government cooperated with the UNHCR and other humanitarian organizations in assisting refugee transit through the country. A Department of Foreign Affairs-UNHCR memorandum of agreement permits the emergency transit of refugees through the country for onward resettlement in a third country, and the UNHCR recorded the transit of 42 refugees from January to July.

Employment: The government allowed refugees to work in the country. The right remains supported by the continued implementation of the Department of Labor and Employment (DOLE) order affirming the right to access employment permits by refugees and providing access to work permits for stateless persons. Since 2013 the Bureau of Immigration provided temporary work permits for persons with pending applications for recognition of refugee and stateless status upon endorsement by the DOJ-RSPPU. The nature of employment accessible to refugees and stateless persons was generally at par with those accessible to other aliens in the same circumstances.

### **Stateless Persons**

In 2012-2013, the UNHCR and the Government of the Philippines undertook the mapping of persons of Indonesian descent at risk of statelessness in Southern Mindanao. The mapping covered locations in seven provinces, two cities, and 17 municipalities and enumerated 905 households (4,260 persons). Mapping in these areas identified an estimated 6,040 persons of Indonesian descent. As of August the Philippine and Indonesian governments were working together to develop a plan of action to assist in the process of determining the legal status of these Indonesian descendants. As of July there were three stateless persons also classified as refugees.

Parents confer Philippine citizenship to their children, and in certain circumstances, by birth within the country's territory to alien parents.

The DOJ continued to implement the procedure for the determination of stateless status. According to revised rules, after an applicant files an application for statelessness determination, authorities suspend deportation or exclusion

proceedings of the applicant and his dependents and may order release of the applicant from detention.

In 2013 the government estimated that 800,000 ethnic Filipinos, a large percentage of whom were de facto stateless, resided in Sabah under the sovereignty of Malaysia. Many were born in the Sulu provinces but had worked in Sabah for many years, in some cases decades.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country conducted two major nationwide elections in 2013 for both houses of congress, provincial governors, and local government officials. International and national observers viewed the election as generally free and fair, but reported that instances of vote buying were widespread and that dynastic political families continued to monopolize elective offices at the national and local level. While the PNP reported a significant decline in violent incidents from the 2010 midterm elections, it confirmed that election violence statistics for the village council elections were higher than in the 2010 elections.

Participation of Women and Minorities: There are no restrictions in law or practice on participation by women and minorities in politics. Following the midterm elections, six women served in the 24-seat Senate and 79 women in the 289-seat House of Representatives. Women comprised six of the 32-member cabinet, three of the 15 Supreme Court justices, including the chief justice, 17 of the 80 provincial governors, and 321 of the 1,633 mayors.

Observers commented that some female politicians served as “placeholders” when male members of their dynastic political families had to leave office due to term limits. Media commentators also expressed concern that political dynasties limited the opportunities for female candidates not connected to political families to seek nomination.

There were no Muslim or indigenous cabinet members or senators, but there were 11 Muslim members of the House of Representatives, mostly elected from

Muslim-majority provinces, and one member of indigenous descent in the House of Representatives. Muslims, indigenous groups, and other citizens maintained that the practice of electing senators from a nationwide list would continue to favor established political figures from the Manila area. They preferred the election of senators by region, which would require a constitutional amendment.

The government used a party-list system, designed to ensure the representation of marginalized and underrepresented sectors of society, to elect 20 percent of the seats in the House of Representatives.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law mandates criminal penalties for corruption by public officials. The government did not implement these laws effectively, and officials engaging in corrupt practices did so with impunity.

Corruption: To combat corruption the constitution established the independent Office of the Ombudsman, the Sandiganbayan (an anticorruption court at the appellate level), and the Commission on Audit. The resources of all three entities were insufficient, but the Sandiganbayan and the audit commission actively collaborated with the public and civil society and appeared to operate effectively and independently. Despite government efforts to file charges and obtain convictions in a number of cases, officials continued to engage in corrupt practices with relative impunity.

Investigation of allegations in the expanding “Pork Barrel” scandal continued during the year. In June and July, three senators surrendered to the authorities in connection with the diversion of congressional funds to faux NGOs. As of August the senators on trial for plunder and malversation of funds were either in police detention or hospital arrest. The Sandiganbayan suspended the three senators for a period of 90 days.

As of October the Office of the Ombudsman obtained convictions against 16 officials in 106 corruption cases, including the June 26 conviction of the mayor of Aloguinsan, Cebu, and seven other local officials for violation of the antigraft law in connection with the procurement of construction materials in 2007.

Reports continued of widespread corruption among prison guards and some prison officials, accusations that PNP members solicited bribes and conducted illegal acts,

and complaints of judicial workers accepting bribes or threatening to delay or derail cases.

Financial Disclosure: The Code of Conduct and Ethical Standards for Public Officials and Employees requires all public officials and employees to file under oath their statement of assets, liabilities, and net worth and to disclose their personal business interests and financial connections, as well as those of their spouses and unmarried children living in their households. Nondisclosure is punishable with imprisonment not exceeding five years, or a fine not exceeding 5,000 pesos (\$115), or both, and, at the discretion of the court, disqualification from holding public office. The Civil Service Commission promulgates the rules and regulations, administration, and enforcement of this law. The commission forwards nondisclosure cases to the Office of the Ombudsman for prosecution.

Public Access to Information: The law provides for the right to information on matters of public concern, but there are no definitions of procedures, fees, and deadlines for such access; no exceptions for denial of access; no appeal processes; and no penalties for officials who fail to disclose lawfully available data. Denial of such information occurred during the year, especially when related to an irregularity in government transactions. Several government departments posted contracts and bid documents online for public viewing, but overall, government information remained unavailable during the year. NGOs continued to press congress to pass a freedom of information law.

Illicit Trade in Natural Resources: In May authorities arrested nine Chinese fishermen and seized their boat allegedly filled with giant turtles at the Half Moon Shoal in the disputed Spratly Islands. The fishermen pleaded not guilty to charges of violating two provisions of the Philippine fisheries code, including illegally harvesting 489 endangered turtles, before a special environment court in western Palawan Province.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Local human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from areas in which incidents under investigation occurred.

The United Nations or Other International Bodies: A number of UN special rapporteur/working group visit requests remained pending with the government.

Government Human Rights Bodies: The CHR continued to fulfill its constitutional mandate to protect and promote human rights; investigate all human rights violations, including those requested by NGOs; and monitor government compliance with international human rights treaty obligations. Nonetheless, according to the CHR, its monitoring and investigation of alleged violations continued to face difficulties due to insufficient resources. (Its nationwide budget of approximately 326 million pesos, or \$7.5 million, was 9 percent higher than in 2013). Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with CHR regional offices. Nevertheless, the CHR continued to believe that it lacked sufficient funding and staff to investigate and follow up on all cases presented to its regional and subregional offices.

The Office of the Ombudsman is an independent agency with jurisdiction to handle complaints regarding all public officials and employees. Many human rights NGOs believed there was progress in pursuing cases, although administrative and institutional weaknesses remained.

The Presidential Human Rights Committee serves as a multiagency coordinating body on human rights problems. The government amended the committee's responsibilities to include compiling the government's submission for the UN Universal Periodic Review. Many NGOs considered it independent but with limited ability to influence human rights policy.

In April the Regional Human Rights Commission, a constitutionally mandated body tasked with monitoring alleged violations in the Autonomous Region of Muslim Mindanao (Bangsamoro), received its first government funding and began hiring staff. After the loss of an experienced director, prospects for the organization's viability remained unclear.

The House of Representatives and Senate committees on human rights and justice continued to pass bills protecting rights, but many bills remained pending as of August.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, disability, language, or minority status, but not discrimination based on sexual orientation or gender identity. Moreover, vague regulations and budgetary constraints continued to hinder implementation of specified protections.

## Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, with penalties ranging from imprisonment for 12 to 40 years with an option for pardon or parole only after 30 years' imprisonment. A conviction can also result in a lifetime ban from political office. Penalties for forcible sexual assault range from six to 12 years' imprisonment. As of September the PNP received 1,485 cases: 1,188 cases were filed in court, 75 remained under investigation, 68 were settled, and 154 were with other agencies for further investigation. From January to June, the DSWD provided shelter, counseling, and health services to 61 female victims of rape. Nationwide statistics continued to be unavailable on prosecutions, convictions, and punishments for cases filed by the PNP, although BuCor reported that its prisons and penal farms held 7,914 prisoners convicted of rape, 434 of whom it admitted this year as of September. There continued to be reports of rape and sexual abuse of women in police or protective custody. Disproportionately affected were women from marginalized groups, such as suspected prostitutes, drug users, and indigent individuals arrested for minor crimes.

Domestic violence against women remained a serious and widespread problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and children committed by their spouses, partners, or parents. As of September the PNP reported 23,761 cases of domestic violence against women: 15,738 were filed in court, 869 remained under investigation, 3,752 were settled, and 3,402 were referred to other agencies for further investigation. Statistics were unavailable on prosecutions, convictions, and punishments for cases filed by the PNP during the year.

The DSWD extended assistance to 223 victims of physical abuse and maltreatment as of June, a statistic that likely significantly underreported the level of violence against women. A local women's support group noted that in smaller localities perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution. On other occasions, police told women who sought to file complaints to pay special fees before they would register the women's complaints. The PNP and DSWD both maintained help desks to assist victims of violence against women and encouraged the reporting of crimes. With the assistance of

NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers continued to receive gender-sensitivity training to deal with victims of sexual crimes and domestic violence. The PNP maintained a central women and children's unit with 1,833 desks throughout the country to deal with abuse cases.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and is punishable by 12 to 40 years in prison. There were no reports of cases of FGM/C during the year.

Sexual Harassment: The law prohibits sexual harassment and violations are punishable by imprisonment of not less than one month and not more than six months, and/or a fine of not less than 10,000 pesos (\$228) and not more than 20,000 pesos (\$456). Sexual harassment remained widespread and underreported in the workplace due to victims' fear of losing their jobs. Women in the retail industry worked on three- to six-month contracts and were often reluctant to report sexual harassment for fear their contracts would not be renewed. On February 20, the military suspended a military general for six months and eventually relieved him of his duties after the Sandiganbayan charged him with sexual harassment. The incident happened in 2011 when the military officer was still a colonel serving at the AFP's Munitions and Control Center and the victim was 18-years old. The case remained pending at the Sandiganbayan as of October.

Reproductive Rights: The constitution upholds the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, and to attain the highest standard of reproductive health free from discrimination, coercion, and violence. The maternal mortality rate reportedly was 120 per 100,000 live births and skilled birth attendance was 62 percent. Medical personnel routinely mistreated and denied proper care to women who sought assistance for complications from unsafe abortions. The provision of health care services is the responsibility of local governments, and restrictions on the provision of birth control supplies by government-run health facilities in some localities reduced the availability of family planning resources for impoverished women. While individuals could purchase modern forms of contraception on the open market in most areas, they remained unaffordable for many of the country's poorest residents.

In 2012 the president signed into law the national reproductive health bill, which provides for universal access to contraception, fertility control, sexual education, and maternity care. The law requires the Department of Health to procure and

distribute family planning commodities, including a wide range of modern forms of contraception and mandates reproductive health education in government schools. Various individuals and religious groups filed 15 separate petitions questioning the constitutionality of the law in the Supreme Court. On April 8, the Supreme Court upheld the constitutionality of the reproductive health law but struck down eight of its provisions, including key provisions that would have prohibited health practitioners from refusing to provide reproductive health services, including post-abortion care, and required all private health services facilities to provide access to family planning methods.

Social hygiene clinics in urban areas served everyone who sought consultation and treatment. The Health Department trained rural health physicians in diagnosis and treatment, but local health offices continued to face resource constraints. Midwives, sometimes with little formal training, performed essential services for families in geographically remote communities underserved by other medical professionals.

Discrimination: By law, but not always in practice, women continued to have most of the rights and protections accorded to men. The law accords women the same rights as men regarding ownership, acquisition, management, administration, enjoyment, and disposition of property and assets. Married women generally have property ownership rights equal to married men. In Muslim and indigenous communities, however, property ownership law or tradition grants married males more property ownership rights than married females.

No law mandates nondiscrimination based on gender in hiring practices, and women in the labor force reportedly earned 37 to 47 percent less than men. Some labor unions claimed female employees suffered punitive action when they became pregnant. Women, like men, were subject to severe and systematic age discrimination, most notably in hiring practices. Although women faced workplace discrimination, they continued to occupy positions at all levels of the workforce. In a July labor-force survey, 58 percent of government officials, corporate executives, managers, and supervisors were women. The survey also revealed that 38.7 percent of the three million unemployed persons were women.

The law does not provide for divorce, although courts generally recognized the legality of divorces obtained in other countries if one of the parties was a foreign national. A legal annulment may terminate a marriage, but its costs and bureaucratic burdens precluded it as an option for many families. Many lower-income couples simply separated informally without severing their legal marital

ties. The law provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, the mother is responsible for the care of children under age seven unless there is a court order to the contrary. Children age seven and older normally are also to remain with the mother, although the father may dispute custody through the courts.

The Philippine Commission on Women, composed of 10 government officials and 11 NGO leaders appointed by the president, is the primary policy-making and coordinating body on matters of women and gender equity.

## **Children**

Birth Registration: Citizenship derives from the parents and, in certain circumstances, by birth within the country's territory to alien parents. The government continued to promote birth registration; authorities immediately registered health facility-based births, while those occurring outside facilities were less likely to be registered immediately, if at all. NGOs confirmed their previous estimates that there were more than two million unregistered children in the country, primarily among Muslim and indigenous groups, although in 2010 the National Statistics Office estimated there were 600,000 unregistered children age nine and below countrywide. Authorities could deprive children of education if they lacked required documents, such as birth certificates. The DSWD continued working closely with local governments to address this deficiency, and the National Statistics Office continued operating mobile birth registration units to reach rural areas.

Education: Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor, and access was not universal in all rural areas. The National Union of Students of the Philippines cited the rising cost of education as one of the factors affecting the increase in the school dropout rates. The Department of Education reported 6.81 percent dropout rate in the elementary level for 2012-2013 school year and 7.82 percent dropout rate in the secondary level for 2011-2012 school year.

Child Abuse: Child abuse remained a problem. From January to June, DSWD offices served 3,661 victims of child abuse, 63 percent of whom were girls. Approximately 22 percent of the girls were victims of sexual abuse as well. Several cities ran crisis centers for abused women and children.

Early and Forced Marriage: The legal minimum age for marriage for both sexes is 18 years; however, anyone below age 21 requires parental consent. Under Muslim personal law, Muslim boys may marry at age 15, and girls may marry when they reach puberty. According to UN Population Fund statistics from Calabarzon and the National Capital Region, 14 percent of women aged 20-24 married before the age of 18.

Sexual Exploitation of Children: The minimum age for consensual sex is 12 years. The statutory rape law criminalizes sex with minors under age 12 and sex with a child under age 18 involving force, threat, or intimidation. The maximum penalty for child rape is 40 years in prison plus a lifetime ban from political office. As of September the PNP reported 4,706 cases of child rape. The production, possession, and distribution of child pornography are illegal, and penalties range from one month to life in prison, plus fines from 50,000 to five million pesos (\$1,140 to \$114,000), depending on the gravity of the offense.

Despite these penalties, law enforcement agencies and NGOs reported that criminals continued to use minors unlawfully in the production of pornography and in cybersex activities.

Child prostitution continued to be a serious problem, and the country remained a destination for child sex tourism by clients from domestic sources, the United States, the Middle East, Europe, Australia, and other East Asian countries. Foreign and domestic pedophiles abused and exploited children, and the government continued its efforts to prosecute accused pedophiles and deport foreign ones. Of the 3,661 victims of child abuse to whom DSWD offices provided services as of June, DSWD identified 232 as victims of sexual exploitation, including victims of cyber pornography. The NBI and the PNP worked closely with DOLE to target and close facilities suspected of prostituting minors.

Displaced Children: In 2009 UNICEF estimated there were 250,000 street children, many of whom appeared abandoned and engaged in scavenging or begging. From January to June, the DSWD provided services to 699 street children nationwide. NGOs alleged that vigilantes with ties to local government authorities were responsible for killing street children engaged in petty crime in Davao and other major cities. Displacement affected children in central Mindanao, but they generally had access to government services.

Institutionalized Children: The law and associated executive orders provide for the welfare and protection of institutionalized children. Police stations had youth

relations officers to ensure that authorities treat minor suspects appropriately, but in some cases they ignored procedural safeguards, and facilities were not child friendly. Under the juvenile justice law, children age 15 and under at the time of the commission of the crime are exempt from criminal liability. The law mandates the DSWD to provide shelter, treatment, and rehabilitation services to these children. As of June the DSWD assisted 140 children in conflict with the law (i.e., alleged as, accused of, or judged as having committed an offense under the law) in its 14 rehabilitation centers nationwide. In addition, several local government units established and managed youth center facilities that provided protection, care, training, and rehabilitation of these children and other at-risk youth. According to the BJMP, DSWD youth centers were lacking in some regions, necessitating the BJMP to take custody of approximately 18 children into its facilities. NGOs believed children held in integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other mistreatment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For further information see the Department of State's country-specific information at [travel.state.gov/content/childabduction/english/country/Philippines.html](http://travel.state.gov/content/childabduction/english/country/Philippines.html).

### **Anti-Semitism**

An estimated 400 to 1,000 persons, mostly foreign nationals, of Jewish heritage lived in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and other social services, but the government did not effectively enforce these provisions. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments, but many barriers remained (see section 7.d).

The National Council for the Welfare of Disabled Persons formulated policies and coordinated the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. DOLE's Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities, monitored private and public places of employment for violations of labor standards regarding persons with disabilities, and promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the government continued to have limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when prospective employers violated their rights, because of the financial barriers to filing a lawsuit.

The DSWD operated two assisted-living centers in the Manila area and five community-based vocational centers for persons with disabilities nationwide. From January to June, the DSWD provided services to 2,632 persons with disabilities. Persons with disabilities frequently solicited donations in the streets, an indicator of the limited options available for livelihood.

Advocates for persons with disabilities contended that equal-access laws were ineffective due to continued weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Some children with disabilities attended primary, secondary, and higher education schools in mainstream or inclusive education settings. Children living in poverty with a disability, however, were unlikely to have access to education. The Philippine Coalition on the UN Convention on the Rights of Persons with Disabilities reported that the Education Department's 400 special education centers were inaccessible or too expensive for the average family, and a majority of these special education programs and schools were located in urban areas, further limiting access for rural students with disabilities.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible, but many stops continued to have unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and one NGO claimed that private transportation providers, such as taxis, frequently overcharged persons with disabilities or refused

them service. A small number of sidewalks had blocked, crumbling, or too steep wheelchair ramps. The situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote, with the assistance of other persons if necessary. The Commission on Elections (COMELEC) determines the capacity of persons with mental disabilities to vote during the registration process, and citizens may appeal exclusions and inclusions in court. A federal act authorizes COMELEC to establish accessible voting centers exclusively for persons with disabilities and senior citizens. Many persons with disabilities did not vote in the 2013 mid-term elections, however, because of the lack of accessible voting facilities. The nongovernmental Legal Network for Truthful Elections reported that only 82,000 of 365,000 registered persons with disabilities were able to vote during the May 2013 elections, a turnout far below that of the general population. Media reports confirmed the turnout of some persons with disabilities and the elderly in regular precincts, noting that the implementation of express lanes and the provision of poll assistance facilitated their participation. During the October 2013 village council elections, COMELEC designated pilot polling precincts in four malls in Luzon, Visayas, Mindanao, and the national capital region for the elderly and persons with disabilities. COMELEC reported high voter turnout in these special voting centers.

### **Indigenous People**

Although no specific laws discriminate against indigenous people, the geographical remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children often suffered from lack of health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left school, or never attended because of discrimination. According to the NGO National Alliance of Indigenous Peoples Organizations in the Philippines, only a few of the country's government units complied with the long-standing legal requirement for the mandatory representation of indigenous persons in policy-making bodies and local legislative councils.

Indigenous persons continued to suffer disproportionately from armed conflict, including displacement from their homes, because they often inhabited mountainous areas favored by insurgents and other militants. Their lands were often sites of armed encounters often related to resource extraction and tribal claims. Armed groups frequently recruited from indigenous populations. The Task Force for Indigenous Peoples' Rights continued to lobby for the government to introduce an appropriate mechanism to recognize indigenous people as an

official party to peace talks between the government and the MILF. NGOs also alleged that security forces identified some indigenous persons as insurgents, often with little or no justification.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, continued to implement constitutional provisions to protect indigenous people. It has authority to award certificates identifying “ancestral domain lands” based on communal ownership, thereby stopping sales of the lands by tribal leaders. In addition, the commission studies “ancestral sea” claims, since some indigenous groups, such as the Sama-Bajau, which customarily resided in fishing areas of western Mindanao, Malaysia, and Indonesia, traditionally practiced migratory fishing. Approvals remained limited, and continued conflict, poverty, and lack of access to ancestral seas displaced a large number of the Sama-Bajau from western Mindanao.

In 2012 COMELEC promulgated a resolution that prescribed new rules and regulations for the registration of members of indigenous cultural communities and indigenous persons to improve their access to voting. NGOs commended the COMELEC resolution.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

No national laws criminalize consensual same-sex sexual conduct or prohibit discrimination based on sexual orientation and gender identity.

Officials prohibit transgender individuals from self-reporting their gender on passport applications. Authorities print the sex assigned at birth, as reported on the certificate of birth, in the individual’s passport.

NGOs seeking to protect lesbian, gay, bisexual, and transgender (LGBT) individuals from discrimination and abuse continued to criticize the government for the absence of applicable law and policy. NGOs reported incidents of discrimination and abuse, including in employment, education, health care, housing, and social services (see section 7.d). The Rainbow Rights Project, Inc., a group of lawyers, continued to claim that LGBT human rights defenders, particularly in Muslim areas, experienced pressure from community authorities to conduct their activities less openly because of increasing religious radicalization.

### **HIV and AIDS Social Stigma**

The law prohibits discrimination against persons with HIV/AIDS and provides for basic health and social services for them. Nevertheless, there continued to be anecdotal evidence of discrimination against HIV/AIDS patients in the government's provision of health care, housing, and insurance services. A credible NGO continued to receive reports of LGBT individuals denied insurance or required to take an HIV test before approval of their insurance applications.

### **Other Societal Violence or Discrimination**

During the year vigilante groups, including some with suspected ties to state actors, were suspected of summary killings of alleged criminals, both adults and juveniles, involved in petty crime in the six major cities of Metro Manila, Cebu, Cagayan de Oro, Tagum, Davao, and General Santos. For example, the nongovernmental Coalition Against Summary Execution recorded 22 cases of suspected vigilante killings in Davao City from January through August. On May 20, Human Rights Watch released its report implicating the so-called "Tagum Death Squad" to 298 cases of killings between January 2007 and March 2013. It also reported the involvement of local government officials, including a former Tagum City mayor, and police officers in these cases of killings.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers, with the exception of the military and police, to form and join independent unions, bargain collectively, and conduct legal strikes, and prohibits antiunion discrimination. The government generally respected these rights. Laws place several restrictions on these rights.

Law and regulations provide for the right to organize and bargain collectively in both the private sector and corporations owned or controlled by the government. The law prohibits organizing by short-term contract and foreign-national workers, unless a reciprocity agreement exists between the countries. Collective bargaining in the public sector is limited to a list of terms and conditions of employment negotiable between management and public employees. Items requiring appropriation of funds, including health-care and retirement benefits, and those that involved the exercise of management prerogatives, including appointment, promotion, compensation, and disciplinary action, are nonnegotiable.

Strikes in the private sector are legal, although unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain approval from the majority of members before calling a strike. The law subjects all issues affecting labor and employment to mandatory conciliation-mediation for one month. Parties to a dispute must attempt mediation before giving notice to strike; if that fails, the union may issue a strike notice. Parties may bring any dispute to mediation; but strikes or lockouts must relate to acts of unfair labor practice, a gross violation of collective bargaining laws, or a collective bargaining deadlock.

The law provides that employers may dismiss union officers who knowingly participate in an illegal strike. Convicted union officers are subject to imprisonment for up to three years, although there has never been such a conviction. The law prohibits government workers from joining strikes, under the threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes. Government workers may also assemble and express their grievances on the work premises during nonworking hours.

The DOLE secretary, and in certain cases the president, may intervene in labor disputes by assuming jurisdiction and mandating a settlement if either official determines that the strike-affected company is vital to the national interest. Vital sectors include hospitals, electric power industry, water supply services (excluding small bottle suppliers), air traffic control, and other activities or industries as recommended by the National Tripartite Industrial Peace Council (NTIPC). Labor rights advocates continued to criticize the government for maintaining definitions of jurisdiction in the national interest that were broader than international standards.

By law antiunion discrimination, especially in hiring, constitutes an unfair labor practice and may carry criminal or civil penalties (although civil penalties were favored over criminal penalties in practice). If there is a *prima facie* finding that termination may cause a serious labor dispute or mass layoff, the DOLE secretary may suspend the termination and restore the status quo pending resolution of the case.

DOLE has general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission (NLRC) labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate payroll and report compliance to the NLRC. Allegations of intimidation and discrimination in connection with

union activities are grounds for review by the quasi-judicial NLRC as possible unfair labor practices. Penalties under law for violations of freedom of association or collective bargaining laws were imprisonment of not less than three months nor more than three years with a fine of not less than one thousand pesos (\$23) nor more than 10,000 pesos (\$226). Such penalties were generally not sufficient to deter violations. The government in general effectively enforced the law.

Administrative and judicial procedures were subject to lengthy delays and appeals. Before disputes reach the NLRC, DOLE provides mediation services through a board, which settles most of the unfair labor practice disputes. Through the mediation board, DOLE also works to improve the functioning of labor-management councils in companies with unions. From January to July, the National Conciliation Board accepted 27 cases of preventive mediation concerning refusal to bargain. Of these cases involving 5,688 workers, it settled 13, six were pending, five submitted for voluntary arbitration, two withdrawn by the complainant, and one remanded to the labor management committee. None of these cases evolved into a strike notice.

The NTIPC serves as the main consultative and advisory mechanism concerning labor and employment. It functions primarily as a forum for tripartite advice and consultation among organized labor, employers, and government in the formulation and implementation of labor and employment policies. It also acts as the central entity to monitor recommendations and ratifications of International Labor Organization (ILO) conventions. DOLE, through the NTIPC, is responsible for coordinating the investigation, prosecution, and resolution of cases pending before the ILO concerning allegations of violence and harassment directed at labor leaders and trade union activists.

Workers faced several challenges in exercising their rights to freedom of association and collective bargaining. Unions continued to claim that local political leaders and officials who governed the Special Economic Zones (SEZs) explicitly attempted to frustrate union organizing efforts further by maintaining union-free or strike-free policies. Unions also claimed that the government stationed security forces near industrial areas or SEZs to intimidate workers attempting to organize and alleged that companies in SEZs used frivolous lawsuits to harass union leaders. Local SEZ directors claimed authority to conduct their own inspections as part of the zones' privileges intended by the legislature. Employers controlled hiring through special SEZ labor centers. For these reasons, and in part due to organizers' restricted access to the closely guarded zones and the

propensity among zone establishments to adopt fixed-term, casual, temporary, or seasonal employment contracts, unions had little success organizing in the SEZs.

Killings and harassment of labor leaders and advocates continued to be a problem. For example, Defend Job Philippines, a network of labor groups, reported concerns regarding threats and intimidation against trade union leader and human rights activist Ed Cubelo, president of Toyota Motor Philippines Corporation Workers' Association (TMPCWA). During the year Cubelo was involved in a campaign to raise concerns about labor rights violations. Defend Job reported that, during the year, four men were seen apparently conducting surveillance during a joint TMPCWA and Defend Job Philippines protest in Intramuros. On March 18, four men, allegedly from the National Bureau of Investigation, approached Cubelo at his home and asked about his whereabouts. Defend Job made repeated efforts to determine whether criminal charges were pending against Cubelo; police and court officials responded there were none.

Some employers reportedly chose to employ workers who could not legally organize, such as short-term contract and foreign-national workers, as a means of minimizing unionization and avoiding other rights accorded to "regular" workers. The nongovernmental Center for Trade Union and Human Rights contended that this practice led to a decline in the number of unions and workers covered by collective bargaining agreements. Employers also often abused contractual labor provisions by rehiring employees shortly after expiration of the previous contract.

According to union leaders, some managers threatened union members with dismissal and sometimes illegally dismissed union organizers. For example, the Trade Union Congress of the Philippines reported one case where management dismissed 13 union officers when they refused to comply with the transfer of assignment memorandum issued by the company. The union members alleged that the transfer notice was a retaliatory move by management for the union filing a petition for a certification election. On June 4, union officers filed a case union busting before the National Conciliation and Mediation Board. The case was pending before the NLRC as of October.

Collective bargaining occurred, but occasionally employers obstructed negotiations, and subjected union leaders to reprisal. On May 5, the management of NXP Semiconductors in Cabuyao, Laguna Province dismissed 24 union leaders after negotiations for a new pay agreement stalled in April. The NXP management reportedly dismissed the union leaders for not working on three official holidays. On September 26, the NXP management and the union signed a collective

bargaining agreement. The management reinstated 12 of the 24 dismissed union leaders and the remaining 12 received a separation package. Both parties agreed not to undertake retaliatory actions and that all cases filed in relation to the labor dispute be dropped.

During the year the government intervened in a labor dispute based on its determination that the strike-affected company was vital to the national interest. On January 13, citing the company's operations as vital to the Bicol regional economy, the secretary of labor assumed jurisdiction over an unfair labor practice case filed by the Albay Electric Cooperative Labor and Employees Organization against the management of the Albay Electric Cooperative, Inc. and issued a return to work directive to the 70 striking workers. Collective bargaining negotiations were ongoing as of October.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Under law, penalties for forced labor included imprisonment of 20 years to life imprisonment, and a fine of not less than one million pesos (\$22,805) were sufficiently stringent. The government did not effectively enforce the law in all cases, and there were reports that forced labor of adults and children (see section 7.c.) continued to occur, mainly in fishing, maritime industries, small-scale factories, domestic service, agriculture, and other areas of the informal sector. The government continued awareness-raising activities, especially in the provinces, in an effort to prevent forced labor.

Trade unions reported continued poor compliance with the law, due in part to the prevalence of forced labor in the informal sector and the government's lack of capacity to inspect labor practices in that sector. Unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic servitude, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations, and in fishing and other maritime industries.

Also see the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip/rls/tiprpt/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children under age 15, except under the direct and sole responsibility of parents or guardians, and sets the maximum number of working hours for them at four hours per day and no more than 20 hours per week. Children ages 15-17 are limited to eight working hours per day, up to a maximum of 40 hours per week. The law forbids the employment of persons under age 18 in hazardous work. The law sets the minimum age requirement for domestic workers at 15 years of age.

Although the government devoted additional resources to programs that sought to prevent, monitor, and respond to child labor during the year, resources remained inadequate. The government imposed fines and instituted criminal prosecutions for law violations in the formal sector, such as in manufacturing. Under law, fines for child labor law violations ranged from 10,000 pesos to five million pesos (\$228 to \$114,025), but were not sufficient to deter violations. DOLE continued its efforts to remove child workers from hazardous situations. From January to October, DOLE through its Sagip Batang Manggagawa program (Rescue Child Laborers) removed 115 minors (61 in the national capital region) from hazardous and exploitative working conditions. Authorities removed all 115 from their workplaces and referred them to the DSWD. In addition, DOLE's Bureau of Working Conditions reported that it removed 73 child laborers from hazardous and exploitative working conditions in 14 rescue operations conducted in four regions. As of July it closed six establishments due to violation of the anti-child labor laws.

The government, in coordination with domestic NGOs and international organizations, continued to implement programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. DOLE continued its efforts to identify appropriate interventions to provide to child laborers and their families by the implementing agencies under the H.E.L.P. M.E. (Health, Education, Livelihood, and Prevention, Protection, and Prosecution, Monitoring and Evaluation) Convergence Program. As of October a total of 75,724 child laborers had been identified with Caraga Region having the highest number of profiled child laborers, followed by the National Capital Region and Regions IV-A and X.

Despite positive advancement in combating the worst forms of child labor, child labor remained a common problem. Cases reported to DOLE centered in the service and agricultural sectors, notably in the fishing and sugar industries. Most child labor occurred in the informal economy, often in family settings. Child workers in those sectors and in industries such as mining, manufacturing, including pyrotechnic production, domestic service, trafficking of drugs, and garbage

scavenging, faced exposure to hazardous working environments. NGOs and government officials continued to report cases in which family members sold children to employers for domestic labor or sexual exploitation. Findings from the joint National Statistics Office-ILO 2011 Survey on Children, the most recent data available, estimated that approximately 5.5 million of the country's 29 million children ages 5-17 were working, and three million worked in hazardous jobs. The survey also found the highest incidence of child labor (60 percent) in the agricultural sector.

Forced child labor continued to occur, children from rural communities and impoverished urban centers endured forced labor in domestic servitude, forced begging, and forced labor in small factories. Commercial sexual exploitation of children also continued to occur (see section 6). Child soldiering also continued to be a problem (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination with respect to employment or occupation regardless of sex, race, or creed, but the government does not effectively monitor and enforce these laws. Moreover, the law does not prohibit employment discrimination with respect to disability, language, sexual orientation, gender identity, HIV positive status or other communicable diseases, or social status. Although the law requires all government agencies and government-owned corporations to reserve one percent of their workforce for persons with disabilities, implementing rules and regulations remained pending as of October.

Discrimination in employment and occupation occurred with respect to LGBT persons. While some local anti-discrimination ordinances have been approved at the municipal or city levels, the lack of an overarching, binding anti-discrimination legislative framework leaves LGBT people unprotected and without means of recourse. A number of LGBT organizations submitted anecdotal reports of discriminatory practices that affected employment status of LGBT people. During the year, the UNDP published a study that described cases of discrimination, including enforcement of rules, policies and regulations that place LGBT people at a disadvantaged position in the workplace. For example, male-to-female transgender women were told by recruitment officers that they would only be hired if they presented themselves as males by cutting their hair short, dressing in men's

clothes, and acting in stereotypically masculine ways. One LGBT NGO also received reports of other direct discrimination, including denial of employment, offers of less favorable employment terms and conditions, social exclusion in the workplace, denial of the same opportunities as equally qualified colleagues, harassment, and abuse.

Persons with disabilities also reportedly experienced employment discrimination during the year (see section 6).

#### **e. Acceptable Conditions of Work**

Tripartite regional wage boards of the National Wage and Productivity Commission increased the daily minimum wage rates for agricultural and nonagricultural workers in nine of 17 regions as of October. Minimum wages in the nonagricultural sector were highest in the national capital region, where the average minimum daily wage rate was 448 pesos (\$10.21). The lowest minimum wage rates were in the Ilocos Region, where the daily non-plantation agricultural wage was 213 pesos (\$4.85). The minimum wage for domestic workers was 2,500 pesos (\$57.10) per month for such workers; the law also requires their employers to contribute to social security, PhilHealth, and the national housing scheme. The government claimed that a family of five needed an average of 8,022 pesos (\$183.00) every month to avoid poverty.

By law, the standard workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour per day limit. The government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates one day of rest each week. There is no legal limit on the number of overtime hours that an employer may require. The law provides for a comprehensive set of occupational safety and health standards. The law provides for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Most labor laws apply to foreign workers, who must obtain work permits and may not engage in certain occupations.

DOLE's Bureau of Working Conditions monitors and inspects compliance with labor law in all sectors, including workers in the formal sector, nontraditional laborers, and informal workers, and inspects SEZs and businesses located there. As of October the department employed 457 labor inspectors nationwide (an increase by 126 percent from last year) to monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and

minimum wages. Despite the additional labor inspection personnel hired during the year, enforcement of labor laws remained difficult. Penalties for noncompliance with increases or adjustments in the wage rates as prescribed by law are a fine not exceeding 25,000 pesos (\$571), imprisonment for not less than one year nor more than two years, or both. In addition to fines, the government used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. DOLE conducted only sporadic inspections to enforce limits on workweek hours.

There were also gaps and uneven applications of law. For example, wage boards exempted some newly established companies and other employers from the rules because of factors such as business size, industry sector, export intensity, financial distress, and capitalization level. Because of these exemptions, the law did not cover a substantial number of workers. The regional wage boards approved 35 applications for wage exemption as of October. Some media entities continued to report challenges in the implementation and enforcement of the domestic workers law, including the tedious registration process, the additional financial burden on employers, and the difficulty in monitoring employer compliance. In September DOLE reported that it resolved 80 cases of request for assistance (RFA) by domestic workers through its Single Entry Approach mechanism, a 30-day conciliation-mediation mode of resolving labor issues. Of the total number, 56 were settled and the rest were withdrawn, dropped due to lack of interest or referred further for compulsory arbitration. An estimated 47 of the settled RFA resulted to total monetary benefits of 423,040 pesos (\$9,647).

DOLE acknowledged that insufficient inspection funds continued to impede its ability to investigate labor law violations effectively, especially in the informal sector and in the approximately 95,750 companies with 10 to 199 workers. DOLE permitted these midsized companies, unionized establishments, and those with collective bargaining agreements to file voluntary self-certifications to verify law compliance. During the year DOLE offered training and advisory services for the approximately 835,654 enterprises with fewer than 10 workers to help them with compliance; 7,934 establishments covering approximately 40,000 workers participated in the training and advisory sessions conducted. DOLE allowed the approximately 4,000 establishments with more than 200 workers to undertake voluntary self-assessments of compliance. Approximately 1,414 establishments submitted self-assessments, reporting an 89 percent compliance rate.

Violations of minimum wage standards were common, as was the use of contract employees to avoid the payment of required benefits, including in government-

designated SEZs. From January to July, the Bureau of Working Conditions inspected 15,271 firms and found that 5,203 violated core labor standards, with 1,700 not complying with minimum wage rates. Many firms hired employees for less than minimum wage apprentice rates, even if there was no approved training in their production-line work. Complaints about payment under the minimum wage and nonpayment of social security contributions and bonuses were particularly common regarding companies in the SEZs.

DOLE continued a campaign to promote safer work environments in small enterprises. From January to September, DOLE's Occupational Safety and Health Center and DOLE-accredited OSH training organizations provided training and information dissemination to 18,912 participants involving 8,739 companies to reduce accidents and illnesses at work. The Bureau of Working Conditions recorded 50 work-related deaths and 41 work-related injuries from January to October. Statistics on work-related accidents and illnesses were incomplete, as incidents, especially in agriculture, were underreported.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were contract or temporary workers. Although the POEA successfully registered and supervised domestic recruiter practices, authorities often lacked sufficient resources to provide worker protection overseas. The government continued to place financial sanctions on, and bring criminal charges against, domestic recruiting agencies found guilty of unfair labor practices. For example, from January to August, the POEA suspended 13 recruitment agencies and canceled the licenses of seven recruitment agencies for numerous violations of recruitment and migrant worker laws. It also issued closure orders against two agencies engaged in illegal recruitment. Foreigners, generally employed in the formal economy and recruited for high-paying, specialized positions, typically enjoyed better working conditions than those faced by citizens.